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John A. Moore

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/758,061
Filing Date: January 15, 2004
Appellant(s): MOORE, JOHN A.

David M. Lockman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04/21/2008 appealing from the Office action mailed 11/28/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0037100	TODA	3-2002
2001/0014172	BABA	8-2001
5,218,431	GLEICHER	6-1993
5,974,182	BRYNIARSKI	10-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5 – 10, 12 – 15, and 17 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toda et al. (Toda hereinafter) (US Patent No. 2002/0037100 A1, filed: August 20, 2001) in view of BABA et al. (BABA hereinafter) (US Patent Pub. No. 2001/0014172 A1, issued: August 16, 2001).

Regarding Claim 1, Toda discloses a method for managing image files in a host system comprising:

identifying an image file stored in secondary storage for a host system (Page 8, [0135], lines 5 – 10, Toda);

comparing file metadata for the identified image file to a downgrade threshold (Page 6, [0094], lines 3 – 7, if the number of areas with large coefficients of high-frequency portions ... result is equal to or larger than a threshold value, Toda);

downgrading the identified image file (Page 8, [0135], lines 1 – 5, Toda) in response to the comparison of the file metadata to the downgrade threshold (Page 6, [0096], lines 7 – 9, ... if the sum total is equal to or larger than threshold value m, the parameter “1/2” may be selected ..., Toda);

storing the downgraded file in secondary storage of the host system (Fig. 28 and Page 9, [0142], “The binarization unit 2902 generates a binary image on the basis of the color document image 2901 loaded onto the RAM 2802...” and further “The generated binary image is stored in an area different from which storage the color document image 2901 **in the RAM 2802**”; wherein the RAM 2809 corresponds to the secondary storage of the host system as claimed; Toda).

Toda also discloses storing image file in tertiary storage of the host system (Fig. 28, item 2804, Page 8, [0135], lines 4 – 10; besides the “external storage device” Toda additionally discloses another storage in the host system: see “ROM” 2803 in Fig. 28, Toda). However, Toda does not explicitly disclose: storing the identified image file in tertiary storage of the host system, tertiary storage of the host system having an access

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time that is greater than the access time for the secondary storage of the host system.

On the other hand, BABA discloses storing the identified image file in tertiary storage of the host system, tertiary storage of the host system having an access time that is greater than the access time for the secondary storage of the host system (Page 7, [0102], lines 9 – 15; "...original image are stored in an external storage device, such as a hard drive device, which is then accessed for performing image data processing operations...", BABA).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the BABA's teachings to the system Toda. Skilled artisan would have been motivated to do so, as suggested by BABA (BABA), to provide an image data conversion method whereby image data of images recorded on a holographic stereogram can be generated speedily from plural images from which has originated the holographic stereogram; and to reduce the time since the entry of the images from which the holographic stereogram is derived until completion of holographic stereogram. In addition, both of the references (Toda and BABA) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, databases management systems, downgrading image files, storing downgraded file in the secondary storage of the host system, and storing image file in tertiary storage. This close relation between both of the references highly suggests an expectation of success.

Regarding Claim 5, the combination of Toda in view of BABA discloses a method, the downgrading of the identified image file further comprising:

reducing resolution of the identified image file to generate the downgraded file (Page 1, [0006], lines 14 – 19, ... resolution conversion means for generating reduced non-text multi-valued image data by lowering a resolution of the non-text multivalued image data ..., Toda).

Regarding Claim 6, the combination of Toda in view of BABA discloses a method, the downgrading of the identified image file further comprising:

reducing pixel size in the identified image file to generate the downgraded file (Page 4, [0063], lines 6 – 9, ... black pixels corresponding to change portions from background to characters ... by a scanner are reduced to generate a new binary image “newbi” ...,Toda).

Regarding Claim 7, the combination of Toda in view of BABA discloses a method, the downgrading of the identified image file further comprising:

converting a color image from one color format to another color format that requires less data to represent color in the identified image file to generate the downgraded file (Page 9, [0150], lines 2 – 5, ... color data may be converted from an RGB format into an LAB or YcrCb format ..., Toda).

Regarding Claim 8, the combination of Toda in view of BABA discloses a method, the downgrading of the identified image file further comprising:

converting a color image to a color palette version of the color image to generate the downgraded file (Page 1, [0007], lines 10 – 17, ... color palette generation means for generating at least one color palette as the representative color data ..., Toda).

Regarding Claim 9, the combination of Toda in view of BABA discloses a method, the downgrading of the identified image file further comprising:

combining a plurality of downgrade operations to reduce the size of the identified image file to generate the downgraded file (Page 8, [0135], lines 3 – 5, image compression process using programs, Toda).

Regarding Claim 10, the combination of Toda in view of BABA discloses a method, the downgrading of the identified image file further comprising:

retrieving a full resolution version of the identified image file from tertiary storage (Fig. 1, items 100, 104, and 105, Page 3, [0049], lines 15 – 16, Toda¹); and

performing a downgrade operation on the full resolution version of the identified image file to generate the downgraded file (Fig. 1, items 105, and 106, Page 3, [0049] and [0053], lines 15 – 16 and 1 – 3, lower its resolution; respectively, Toda).

¹ Wherein the image A (before reduction) corresponds to the full resolution version of the identified image file claimed.

Regarding Claim 12, the combination of Toda in view of BABA discloses a method, the comparison of the file metadata to the downgrade threshold including:

comparing file metadata to a file access frequency threshold (Page 4 and 6, [0064] and [0094], lines 2 – 5 and 1 – 7; respectively, “ If the number of areas with large coefficients of high-frequency portions...”Toda).

Regarding Claim 13, the combination of Toda in view of BABA discloses a method, the comparison of the file metadata to the downgrade threshold including:

comparing file metadata to a last access time threshold (Page 4 and 6, [0064] and [0094], lines 2 – 5 and 1 – 7; respectively, Toda; and Page 7, [0102], lines 9 – 15, “...original image are stored in an external storage device, such as a hard drive device, which is then accessed for performing image data processing operations...”, BABA).

Regarding Claim 14, the combination of Toda in view of BABA discloses a method, the comparison of the file metadata to the downgrade threshold including:

comparing file metadata to a classification threshold (Page 5, [0087] and [0089], lines 8 – 10 and 11 – 16; respectively, Toda²).

Regarding Claim 15, the combination of Toda in view of BABA discloses a system for managing image files in a host system comprising:

² Wherein the step which binarizes a pixel to black or to white if the absolute value exceeds or not a threshold value corresponds to the step of comparing as claimed; and the threshold value corresponds to the classification threshold as claimed.

a file data volume for storing file metadata that corresponds to image file stored in a secondary storage for a host system (Fig. 7 and 8, Page 3, and 9, [0055], [0056], and [0142], lines 10 – 13, 1 – 5, and 12 – 14; respectively; “the sets of black pixels shown in FIG. 7 form text areas...”, “...these sets of black pixels are grouped based on near positions, and matches of widths and heights, 17 text areas can be detected, as shown in FIG. 8. The coordinate data of these areas are stored in a RAM (not shown) as text area coordinate data 109 shown in FIG.1.”; wherein the pixels corresponds to file metadata as claimed; and wherein the text areas formed by the pixels corresponds to file data volume as claimed; Toda; and also see – Page 8, [0135], lines 5 – 10, Toda);

a file selector for retrieving file metadata from the file data volume (Page 5, [0087], lines 1 – 8; “...one or more text areas are extracted from the image ...”; wherein the “text area detector” corresponds to the file selector claimed; Toda) and comparing the retrieved metadata to at least one downgrade threshold to identify an image file stored in the secondary storage of the host system for downgrading (Page 5 and 6, [0088] and [0094], lines 8 – 12 and 3 – 7; respectively; “...binarizes a pixel to black if the absolute value exceeds a threshold value or white if the absolute value does not exceed the threshold value...”, and “... if the number of areas with large coefficients of high-frequency portions ... result is equal to or larger than a threshold value...”, Toda); and

a file reducer for downgrading the identified image file (Page 8, [0135], lines 5 – 7, image compression process, Toda); and

a file controller for generating file metadata for storage in the file data volume (Page 5, [0087], lines 1 – 8, Toda) and for storing the downgraded file in the secondary

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storage of the host storage system (Fig. 28 and Page 9, [0142], “The binarization unit 2902 generates a binary image on the basis of the color document image 2901 loaded onto the RAM 2802...” and further “The generated binary image is stored in an area different from which storage the color document image 2901 in the RAM 2802”; wherein the RAM 2809 corresponds to the secondary storage of the host system as claimed; Toda) and for storing the identified image file in tertiary storage of the host system, tertiary storage of the host system having an access time that is greater than the access time for the secondary storage of the host system (Fig. 28, item 2804, Page 8, [0135], lines 4 – 10, external storage device, Toda; and Page 7, [0102], lines 9 – 15, “...original image are stored in an external storage device, such as a hard drive device, which is then accessed for performing image data processing operations...”, BABA).

Regarding Claim 17, the combination of Toda in view of BABA discloses a system wherein the file reducer includes a compressor for compressing the identified image file (Page 3, [0049], lines 17 – 19, compression unit, Toda).

Regarding Claim 18, the combination of Toda in view of BABA discloses a system wherein the file reducer includes a color reducer for converting a color image from one color format to another color format that uses less data to represent color (Page 3, and 9, [0049] and [0150], lines 15 – 19 and 2 – 5; respectively, reduction unit, Toda).

Regarding Claim 19, the combination of Toda in view of BABA discloses a system wherein the file reducer includes an image resolution reducer for reducing resolution of the identified image file (Page 6, [0093], lines 1 – 6, Toda).

Regarding Claim 20, the combination of Toda in view of BABA discloses a system wherein the file reducer includes a pixel size reducer for reducing a number of bits to represent a pixel in the identified image file (Page 6, [0103], and [0106], lines 1 – 3 and 3 – 6, color reducer; respectively, Toda).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toda et al. (Toda hereinafter) (US Patent No. 2002/0037100 A1, filed: August 20, 2001), in view of BABA et al. (BABA hereinafter) (US Patent Pub. No. 2001/0014172 A1, issued: August 16, 2001), and further in view of Gleicher et al. (Gleicher hereinafter) (US Patent No. 5,218,431, issued: June 8, 1993).

Regarding Claim 3, the combination of Toda in view of BABA discloses all the limitations as disclosed above including downgrading an image file (Page 8, [0135], lines 1 – 5, Toda). However, the combination of Toda in view of BABA is silent with respect to lossless compression. On the other hand, Gleicher discloses a system and method that performs a lossless compression on the identified image file (Col. 4, lines 52 – 57, Gleicher). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Gleicher's teachings to the system of

the combination of Toda in view of BABA. Skilled artisan would have been motivated to do so, as suggested by Gleicher (Col. 4, lines 52 – 57, Gleicher), to provide a method such that original image can be reconstructed exactly, with no loss of information, on the same computer that compressed it or on a smaller scientific or engineering workstation. In addition, the applied references (Toda, BABA, and Gleicher) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, databases management systems, image compression, and downgrading images. This close relation between the applied references highly suggests an expectation of success.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toda et al. (Toda hereinafter) (US Patent No. 2002/0037100 A1, filed: August 20, 2001), in view of BABA et al. (BABA hereinafter) (US Patent Pub. No. 2001/0014172 A1, issued: August 16, 2001), and further in view of Bryniarski et al. (Bryniarski hereinafter) (US Patent No. 5,974,182, issued: October 26, 1999).

Regarding Claim 4, the combination of Toda in view of BABA discloses all the limitations as disclosed above including downgrading an image file (Page 8, [0135], lines 1 – 5, Toda). However, the combination of Toda in view of BABA is silent with respect to lossy compression. On the other hand, Bryniarski discloses a system and method that performs a lossy compression on the identified image file (Col. 2, lines 62 – 65, Bryniarski). It would have been obvious to one of ordinary skill in the art at the time

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the invention was made to incorporate the Bryniarski's teachings to the system of the combination of Toda in view of BABA. Skilled artisan would have been motivated to do so, as suggested by Bryniarski (Col. 1, lines 29 – 32, Bryniarski), to provide a higher compression rate without visible degradation in an image, by taken advantage of the human visual system threshold. In addition, the applied references (Toda, BABA, and Bryniarski) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, databases management systems, image compression, and downgrading images. This close relation between the applied references highly suggests an expectation of success.

(10) Response to Argument

I. The first ground of rejection to be reviewed on appeal is whether claims 1, 5-10, 12, 15, and 17-20 are unpatentable under 35 U.S.C. 103(a) over Toda et al. (U.S. Publication Number 2002/0037100, hereinafter "Toda") in view of Baba et al. (U.S. Publication Number 2001/0014172, hereinafter "Baba")

A. Appellant argues that; "Toda fails to teach storage of a downgraded file in the secondary storage from which the identified image file used to generate the downgraded file was stored as required by claims 1, 5-10, and 12-14."

Examiner respectfully disagrees. First, in response to appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Second, the combination of Toda in view of BABA does disclose the recited claim limitation: storing the downgraded file in the secondary storage of the host system (Fig. 28 and Page 9, [0142], "The binarization unit 2902 generates a binary image on the basis of color document image 2901 loaded onto the RAM 2802"; it is clear from this passage that Toda's color document image (used to generate the binary image) was

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loaded/stored onto the RAM; and also see: “The generated binary image is stored in an area different from which storage the color document image 2901 **in the RAM 2802**”; it is clear from this passage that the generated binary image is then stored in a different area but still in the “SAME” RAM 2802; wherein the RAM 2809 corresponds to the secondary storage of the host system as claimed; Toda).

B. Appellant argues that; “Baba fails to disclose storage of the identified image file used to generate the downgraded file in tertiary storage as required by claims 1, 5-10, and 12-14.”

Examiner respectfully disagrees. The combination of Toda in view of BABA does disclose: storing the identified image file in tertiary storage of the host system (Fig. 28, item 2804, Page 8, [0135], lines 4 – 10; besides the “external storage device”, Toda additionally discloses another storage in the host system: see “ROM” 2803 in Fig. 28; it is clear that Toda teaches storing identified image file in a tertiary storage; Toda; also as mentioned the Final Office Action, the BABA reference expressly teaches storing the identified image file in tertiary storage of the host system, tertiary storage of the host system having an access time that is greater than the access time for the secondary storage of the host system; see for example: Page 7, [0102], lines 9 – 15, “image data processing is carried out on the internal memory device 62 having extremely fast processing speed. Thus the instant embodiment enables extremely fast image processing operations. Heretofore, **original image data are stored in an external**

storage device, such as a hard disc drive device, which is then accessed for performing image data processing operations. However, **since the external storage device, such as the hard disc drive device, is slow in processing speed** and hence an extremely long time is consumed in the data processing operations”, ...”, wherein the examiner interprets BABA’s external device as the tertiary storage of the host system claimed; additionally BABA discloses two other storage devices: recording unit in page 4 in [0071] and internal device in page 7 in [0101]; BABA).

C. Appellant argues that; “Toda fails to disclose the reduction of pixel size as required by claims 6 and 20.”

Examiner respectfully disagrees. The combination of Toda in view of BABA does disclose: reducing pixel size in the identified image file to generate the downgraded file (Page 4, [0063], lines 6 – 9, ... black pixels corresponding to change portions from background to characters ... by a scanner are reduced to generate a new binary image “newbi” ..., Page 3, [0055], “...When the edges of black pixels in FIG. 6 are traced to label all areas, and only sets of black pixels each having a width or height equal to or smaller than the threshold value are determined to be characters, the sets of black pixels shown in FIG. 7 form text areas (FIG. 7 shows a concept for the purpose of description, but such image is not generated in practice)...”, Page 6, [0094], “This reduction parameter controller 2001 computes the orthogonal **transforms of 8.times.8 pixels** for the entire surface of image A. If the number of areas with large coefficients of

high-frequency portions in the orthogonal transformation result is equal to or larger than a threshold value, the controller 2001 **adjusts the reduction parameter to 1/2**; otherwise, **it adjusts the reduction parameter to 1/4...**", Toda).

D. Appellant argues that; "Toda fails to disclose the conversion of a color image from one format to another format that requires less data to represent the color image as required by claims 7 and 18."

Examiner respectfully disagrees. The combination of Toda in view of BABA does disclose: converting a color image from one color format to another color format that requires less data to represent color in the identified image file to generate the downgraded file (Page 9, [0150], lines 2 – 5, "... color data may be converted from an RGB format into an LAB or YcrCb format ...", Toda).

E. Appellant argues that; "Toda fails to disclose the retrieval of a full resolution version of the identified image file from tertiary storage and the performance of a downgrade operation on the full resolution version to generate the downgraded file as required by claim 10."

Examiner respectfully disagrees. The combination of Toda in view of BABA does disclose: retrieving a full resolution version of the identified image file from tertiary storage (Fig. 1, items 100, 104, and 105, Page 3, [0049], lines 15 – 16, Wherein the

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image A (before reduction) corresponds to the full resolution version of the identified image file claimed...”, Toda); and performing a downgrade operation on the full resolution version of the identified image file to generate the downgraded file (Fig. 1, items 105, and 106, Page 3, [0049] and [0053], lines 15 – 16 and 1 – 3, lower its resolution; respectively, Toda).

F. Appellant argues that; “Toda fails to disclose the comparison of file metadata to a file access frequency threshold as required by claim 12.”

Examiner respectfully disagrees. The combination of Toda in view of BABA does disclose: comparing file metadata to a file access frequency threshold (Page 4 and 6, [0064] and [0094], lines 2 – 5 and 1 – 7; respectively, “If the number of areas with large coefficients of high-frequency portions...”Toda).

G. Appellant argues that; “Neither Toda nor Baba discloses the comparison of file metadata to a fast access time threshold as required by claim 13.”

Examiner respectfully disagrees. The combination of Toda in view of BABA does disclose: comparing file metadata to a last access time threshold (Page 4 and 6, [0064] and [0094], lines 2 – 5 and 1 – 7; respectively, Toda; and Page 7, [0102], lines 9 – 15, “...original image are stored in an external storage device, such as a hard drive device, which is then accessed for performing image data processing operations...”, BABA).

H. Appellant argues that; “Toda fails to disclose the comparison of file metadata to a classification threshold as required by claim 14.”

Examiner respectfully disagrees. The combination of Toda in view of BABA does disclose: comparing file metadata to a classification threshold (Page 5, [0087] and [0089], lines 8 – 10 and 11 – 16; respectively, Toda). Wherein the step which binarizes a pixel to black or to white if the absolute value exceeds or not a threshold value corresponds to the step of comparing as claimed; and the threshold value corresponds to the classification threshold as claimed.

I. Appellant argues that; “Toda fails to disclose a file data volume that stores files metadata that corresponds to image files stored in a secondary storage of a host system as required by, claims 15 and 17-20.”

Examiner respectfully disagrees. The combination of Toda in view of BABA does disclose: a file data volume for storing file metadata that corresponds to image file stored in a secondary storage for a host system (Fig. 7 and 8, Page 3, and 9, [0055], [0056], and [0142], lines 10 – 13, 1 – 5, and 12 – 14; respectively; “the sets of black pixels shown in FIG. 7 form text areas...”, “...these sets of black pixels are grouped based on near positions, and matches of widths and heights, 17 text areas can be detected, as shown in FIG. 8. The coordinate data of these areas are stored in a RAM (not shown) as text area coordinate data 109 shown in FIG.1.”; wherein the pixels corresponds to file metadata as claimed; and wherein the text areas formed by the pixels corresponds to file data volume as claimed; Toda; and also see – Page 8, [0135], lines 5 – 10, Toda).

J. Appellant argues that; “Toda fails to disclose a file selector that retrieves file metadata from the file data volume and that compares the retrieved metadata to a downgrade threshold to identify an image file stored in secondary storage for downgrading as required by claims 15 and 17-20.”

Examiner respectfully disagrees. The combination of Toda in view of BABA does disclose: retrieving file metadata from the file data volume (Page 5, [0087], lines 1 – 8; “...one or more text areas are extracted from the image ...”; wherein the “text area detector” corresponds to the file selector claimed; Toda) and comparing the retrieved metadata to at least one downgrade threshold to identify an image file stored in the secondary storage of the host system for downgrading (Page 5 and 6, [0088] and [0094], lines 8 – 12 and 3 – 7; respectively; “...binarizes a pixel to black if the absolute value exceeds a threshold value or white if the absolute value does not exceed the threshold value...”, and “... if the number of areas with large coefficients of high-frequency portions ... result is equal to or larger than a threshold value...”, Toda).

K. Appellant argues that; “Toda teaches a file controller that generates file metadata for storage in the file data volume, that stores downgraded files in secondary storage of a host system, and that stores identified image files used to generate downgraded files in tertiary storage, as required by claims 15 and 17-20.”

Examiner respectfully disagrees. The combination of Toda in view of BABA does disclose: a file controller for generating file metadata for storage in the file data volume (Page 5, [0087], lines 1 – 8, Toda) and for storing the downgraded file in the secondary storage of the host storage system (Fig. 28 and Page 9, [0142], “The binarization unit 2902 generates a binary image on the basis of the color document image 2901 loaded onto the RAM 2802...” and further “The generated binary image is stored in an area different from which storage the color document image 2901 in the RAM 2802”; wherein the RAM 2809 corresponds to the secondary storage of the host system as claimed; Toda) and for storing the identified image file in tertiary storage of the host system, tertiary storage of the host system having an access time that is greater than the access time for the secondary storage of the host system (Fig. 28, item 2804, Page 8, [0135], lines 4 – 10, external storage device, Toda; and Page 7, [0102], lines 9 – 15, “...original image are stored in an external storage device, such as a hard drive device, which is then accessed for performing image data processing operations...”, BABA).

II. The second ground of rejection to be reviewed on appeal is whether claim 3 is unpatentable under 35 U.S.C. 103(a) over Toda in view of Baba and in further view of U.S. Patent Number 5,218,431 to Gleicher et al.

Appellant's arguments directed towards the rejection of claim 3 reiterate deficiencies Appellant feels were made in the rejection of the independent claims, and

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do not address any new points. Therefore, the examiner submits that if the rejection of the independent claims is deemed proper, the rejection of claim 3 should also be upheld.

III. The third ground of rejection to be reviewed on appeal is whether claim 4 is unpatentable under 35 U.S.C. 103(a) over Toda in view of Baba and in further view of U.S. Patent Number 5,974,182 to Bryniarski et al.

Appellant's arguments directed towards the rejection of claim 4 reiterate deficiencies Appellant feels were made in the rejection of the independent claims, and do not address any new points. Therefore, the examiner submits that if the rejection of the independent claims is deemed proper, the rejection of claim 4 should also be upheld.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Giovanna Colan/

Examiner, Art Unit 2162

Conferees:

/Mohammad Ali/

Supervisory Patent Examiner, Art Unit 2169

/Hosain T Alam/

Supervisory Patent Examiner, Art Unit 2166